

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 440**  
97TH GENERAL ASSEMBLY

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Reported from the Committee on Agriculture, Food Production and Outdoor Resources, May 8, 2013, with recommendation that the Senate Committee Substitute do pass.

0173S.06C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To amend chapter 196, RSMo, by adding thereto one new section relating to food consumption.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 196, RSMo, is amended by adding thereto one new  
2 section, to be known as section 196.298, to read as follows:

**196.298. 1. As used in this section, the following terms shall  
2 mean:**

3 **(1) "Baked good", includes cookies, cakes, breads, Danish, donuts,  
4 pastries, fruit pies, and other items that are prepared by baking the  
5 item in an oven. A baked good does not include a potentially hazardous  
6 food item as defined by department rule;**

7 **(2) "Cottage food production operation", an individual operation  
8 out of an individual's home which meets the following conditions:**

9 **(a) Only nonpotentially hazardous processed foods, except low  
10 acid canned and acidified foods, including but not limited to breads,  
11 cookies, fruit pies, jams, jellies, preserves, fruit butters, honey,  
12 sorghum, cracked nuts, spices, and packaged mixes including spice, dry  
13 cookie, cake, bread, and soup mixes, are sold, sampled, or served;**

14 **(b) The seller is the individual actually producing the food or an  
15 immediate family member residing in the producer's household with  
16 extensive knowledge about the food;**

17 **(c) The seller only sells, samples, or serves the food directly to  
18 the end consumer;**

19 **(d) All processed packaged foods bear a label stating the name**

20 and address of the manufacturer or processor preparing the food,  
21 common name of the food, name of all the ingredients in the food and  
22 a statement that the product is prepared in a kitchen that is not subject  
23 to inspection by the department of health and senior services. It is  
24 recommended that honey manufacturers or processors include the  
25 following additional statement on its label: "Honey is not recommended  
26 for infants under twelve months of age";

27 (e) The consumer is informed by a clearly visible placard at the  
28 sales or service location that the food is prepared in a kitchen that is  
29 not subject to inspection by the department of health and senior  
30 services if the foods specified in paragraph (a) of this subdivision are  
31 sold, sampled, or served in unpackaged, individual portions;

32 (f) The seller advertises on the internet, but does not sell such  
33 food directly via the internet.

34 The department of health and senior services shall have final authority  
35 in determining whether a food is nonpotentially hazardous and may  
36 enjoin individuals who violate the provisions of this subdivision from  
37 selling, sampling, or serving such foods;

38 (3) "Department", the department of health and senior services;

39 (4) "Home", a primary residence that contains a kitchen and  
40 appliances designed for common residential usage.

41 2. A cottage food production operation is not a food service  
42 establishment and shall not be subject to any health or food code laws  
43 or regulations of the state or department other than this section and  
44 sections 196.030 to 196.075, and rules promulgated thereunder for a  
45 cottage food production operation.

46 3. (1) A local health department shall not regulate the  
47 production of food at a cottage food production operation. Nothing in  
48 this subdivision shall be construed as prohibiting the department of  
49 health and senior services from contracting with a local health  
50 department to provide services for the department under state law and  
51 regulation.

52 (2) Each local health department and the department shall  
53 maintain a record of a complaint made by a person against a cottage  
54 food production operation.

55 4. The department shall promulgate rules requiring a cottage  
56 food production operation to label all of the foods described in this

57 section which the operation intends to sell to consumers. The label  
58 shall include the name and address of the cottage food production  
59 operation and a statement that the food is not inspected by the  
60 department or local health department.

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